

Ordinance No. 802

AN ORDINANCE to amend and reordain Ordinance No. 736 of the Ordinances of the City of Alexandria, Virginia, which Ordinance No. 736 relates to the adoption of a Community Unit Plan for a part of the land commonly known as the Brookings Tract and sets forth the details and requirements of said Plan and provides penalties for violations.

WHEREAS, an amendment to the Community Unit Plan for Brad-Lee Towers, adopted by the City Council by Ordinance No. 736, has been duly submitted to the City in accordance with the laws governing same and public hearings have been held in relation thereto, at which hearings parties in interest and citizens had an opportunity to be heard.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance No. 736 of the Ordinances of the City of Alexandria, Virginia, be and the same hereby is amended to read as follows:

1. That a Community Unit Plan for a parcel of land containing 51 acres more or less located in the City of Alexandria, Virginia, bounded on the west by the land of Ruffner and Shirley Memorial Highway; on the north by the Leesburg Turnpike; on the east by the land of Brookings and on the south by Braddock Road, and being a portion of that land commonly known as the "BROOKINGS TRACT," comprised of apartment units, land reserved for detached single family units and uses allowed in the "C-1 Commercial Zone," with floor area ratio not greater than and lot area ratio not less than that required by the "RA Residence Zone" for that portion of land to be occupied by apartments and "C-1 Commercial Zone" uses, be and the same hereby is adopted and authorized as shown on a Preliminary Plan of a Community Unit Plan of BRAD-LEE TOWERS dated May 27, 1952 and the Architectural and Building Construction Plans dated Jan. 18, 1952, as modified by a plat dated September 30, 1953 entitled "Plan of Amendment of a portion of Community Unit Plan Brad-Lee Towers (Section 3), Alexandria, Virginia" and a rendering dated August 24, 1953 entitled "Architectural and Building Construction Plans Braddock Lee Apartments Section III," which plans are on file in the office of the Planning Commission, which plans are hereby made a part of this ordinance and which said plans and all notations, appendages, references and other data shown thereon are by this reference made a part hereof to the same extent as if the information set forth on said plans were fully described and incorporated herein.
2. That the issuance of building permits and certificates of occupancy for the use of said land and the building of, location of, and use of structures thereon is hereby authorized, provided first: that all the details of the plans as hereinabove set forth are followed by the proponent of said plan and his successors, that all conditions, regulations or requirements hereinafter set forth are followed, and all other pertinent ordinances and laws including but not limited to the Building Code, Electrical Code, Fire Prevention Code, Health Code, and Plumbing Code of the City of Alexandria are complied with.
3. That the strip of land shown as Parcel 3 on a plat of the Division

of the Brookings Estate, attached and appended to the hereinbefore mentioned Preliminary Plan, shall be reserved for a fifty foot street with the remainder of said parcel restricted for single family detached dwelling use only on lots of not less than 8,000 square feet in size, but subject to all requirements of the "R-8 Residence Zone," as said zone and its requirements are set forth in City Ordinance No. 708 as of the date of final passage of this Community Unit Plan Ordinance.

That on or before the date the proponents of said plan and their successors acquire Parcel 4 and Parcel 5 as shown on a plat of the Division of the Brookings Estate, attached and appended to the hereinbefore mentioned Preliminary Plan, a deed shall be recorded containing covenants guaranteeing that the strip of land shown on said plat as Parcel 3 shall be reserved for a fifty foot street with the remainder of said parcel restricted for single family detached use only on lots of not less than 8,000 square feet in size, and that the aforesaid covenants shall run with said land for a period of not less than ten years for the benefit of Richard L. Ruffner, his heirs and assigns, the Protestant Episcopal High School in Virginia, a Virginia corporation, its successors and assigns, and the City of Alexandria, Virginia.

The deed just mentioned shall also be identical to the deed submitted to this Council June 10, 1952, a copy of which was ordered spread upon the Council minutes of that meeting, provided further, however, that the deed be properly executed before recordation.

4. That plans for the detailed use of the above mentioned "R-8 Residence Zone" areas be submitted to the City in the manner required by law at such time as those areas were actually developed.
5. That the cost of any or all public improvements required by the City of Alexandria for said plan, both on the site and off of the site, including curb and gutter, sidewalk street paving, sanitary sewer and storm sewer, be borne by the developer and that satisfactory guarantee of payment for such cost in each section thereof be submitted to the City Manager prior to the issuance of building permits. The said City shall determine what public improvements are required.
6. That final plats of Subdivision of said Community Unit Plan be approved by the City Planning Commission, pursuant to Sub-section 7, Topic E, Section 13, Article II, Chapter 29, of the Code of the City of Alexandria, Virginia.
7. That the twelve (12) acre school and playground site shown on the above mentioned Community Unit Plan of BRAD-LEE TOWERS, and as Parcel 2 on the plat attached thereto, be conveyed to the City of Alexandria on or before the acquisition of the hereinbefore mentioned Parcels 4 and 5 by the proponents or their successors by a general warranty deed and the title to said land must be good and marketable of record and in fact.
8. That the sum of TEN THOUSAND DOLLARS (\$10,000.00) cash be given the City of Alexandria for the equipment and construction of a playground on the School and Playground site above mentioned.

9. That no amendment to said plan be made without again applying to the Director of Planning and following the procedure set forth in Article VIII, Chapter 35, of the Code of the City of Alexandria, Virginia, as amended.
10. That the proponents of said Community Unit Plan, or their successors and assigns shall have fully complied with all of the requirements hereinbefore mentioned and shall have completed footings on 20% of the apartments in said project within twelve (12) months time from the date of the final passage of this ordinance or said Community Unit Plan shall be null and void and all permits issued to said proponents or their successors or assigns, shall be revoked and no further permits shall be issued them, and the land contained in said Plan shall be considered free of said Community Unit Plan.
11. Any person violating any of the provisions of this ordinance shall upon conviction, if the offense be not wilful, be punished by a fine of not less than \$10.00 nor more than \$100.00, and if the offense be wilful by a fine of not more than \$250.00, and in every case \$10.00 for each day after the first day that such violation shall continue. Violations of the provisions of this ordinance may also be restrained, prohibited or enjoined by appropriate action.
12. That a copy of this ordinance signed by the Mayor, attested to by the Clerk of the Council, with the official seal of the City of Alexandria affixed thereon, be immediately recorded among the land records of the City of Alexandria, Virginia, and said recording shall be indexed in the name of Martha Nutting Brookings, individually, and as trustee, and Robert Somers Brookings, II, as trustee.
13. That a true copy of the Preliminary Plan of a Community Unit Plan of BRAD-LEE TOWERS dated May 27, 1952, the Architectural and Building Construction Plans dated January 18, 1952, as modified by a plat dated September 30, 1953 entitled Plan of Amendment of a portion of Community Unit Plan Brad-Lee Towers (Section 3), Alexandria, Virginia and a rendering dated August 24, 1953 entitled "Architectural and Building Construction Plans Braddock Lee Apartments Section III," and all notations, appendages, references and other data shown thereon, signed by the City Director of Planning, be filed with the Clerk of the Corporation Court of the City of Alexandria, Virginia.

Section 2. That this ordinance may be noted in the Appendix to the Code of the City of Alexandria, 1953.

Section 3. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction, together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

MARSHALL J. BEVERLEY
Mayor

Final Passage: November 10, 1954